

REMARKS/ARGUMENTS

Claims 1-7 and 9-20 are pending in the present application. Claims 1, 6, and 14 are independent. Claims 1-7 and 9-20 are amended.

Rejections Under 35 U.S.C. § 112

In section 2 on page 2, the Office Action rejects claims 1 and 6 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Examiner alleges that "it is unclear when an alarm is occurred" in both claims. Applicant respectfully traverses this rejection.

Applicant respectfully submits that reading the as-examined claims 1 and 6, in their entirety, a person of ordinary skill in the art would clearly understand the alarm to be generated as a result of the recited connectivity thresholds not being met. However, for purposes of simplifying issues to expedite examination, and without waiving the traversal, Applicant respectfully amends the form of claims 1 and 6 to positively recite the generation of the alarm. Applicant respectfully refers the Examiner to lines 15-16 of claim 1 and lines 11-12 of claim 6, as currently amended. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1 and 6 under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. § 103

In section 3 on pages 2-8, the Office Action rejects claims 1-7 and 9-11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,494,831 to Koritzinsky (hereinafter "Koritzinsky") in view of U.S. Patent No. 6,405,248 to Wood (hereinafter "Wood"),

further in view of U.S. Patent No. 7,162,250 to Misra (hereinafter "Misra") and U.S. Patent No. 7,194,538 to Rabe (hereinafter "Rabe").

In section 5 on page 9, the Office Action rejects dependent claims 12 and 13 as allegedly being unpatentable over Koritzinsky, Wood, Misra, and Rabe further in view of Admitted Prior Art (hereinafter "APA").

In section 6 on pages 10-12, the Office Action rejects claims 14-18 and 20 as allegedly being unpatentable over Koritzinsky, Misra, and Rabe. In section 7 on pages 12-13, the Office Action rejects claim 19 as allegedly being unpatentable over Koritzinsky, Misra, Rabe, and APA.

Applicant respectfully traverses all of these rejections for the reasons listed below.

Exemplary elements of the invention defined by the examined claims 1, 6, and 14 include performing a connectivity verification capable of generating a connectivity verification, comparing the connectivity verification results to a user-specified threshold, generating an alarm when the comparison shows that the connectivity verification result has reached the specified threshold, and, in response, identifying Layer-2 and Layer-3 objects affected by the connectivity verification alarm, and displaying the identified Layer-2 and Layer-3 objects.

The combined references lack performing any test having any alarm generation, or any comparison with any thresholds, that indicates Layer 2 and Layer 3 objects are affected by a condition for which the alarm was generated.

For purposes of expediting examination by simplifying issues, and without any disclaimer of claim scope or subject matter, Applicant respectfully amends the form of base claims 1, 6, and 14 to positively recite the verification test being capable, as is necessarily

included in a proper interpretation of the examined claims 1, 6, and 14, of detecting connectivity in terms of Layer 2 and Layer 3 objects of the network. Applicant respectfully refers the Examiner to lines 6-7 of claim 1 and lines 3-4 of claims 6 and 14, as currently amended.

Further, and also for purposes of expediting examination by simplifying issues, and without any disclaimer of claim scope or subject matter, Applicant respectfully amends the form of base claims 1, 6, and 14 to positively recite the Layer 2 and Layer 3 objects of the network according to their plain meaning, namely, the Layer 2 and Layer 3 objects being defined by a given containment hierarchy for the network. Applicant respectfully refers the Examiner to lines 7-8 of claim 1 and lines 4-5 of claims 6 and 14, as currently amended.

Enabling and descriptive support for all of the amended recital appears throughout Applicant's originally filed specification, drawings and original claims including, but not limited to, FIG. 5, paragraphs [47] – [56], and original claims 1, 6, and 14.

Applicant's base claims 1, 6, and 14 further recite comparing the verification test results to the user-specified thresholds, generating an alarm, and based on the alarm and the containment hierarchy, identifying the Layer-2 and Layer-3 objects affected by the connectivity verification results associated with the alarm. See lines 7-8 of claim 1 and lines 4-5 of claims 6 and 14, as currently amended.

Enabling and descriptive support for all of the amended recital appears throughout Applicant's originally filed specification, drawings and original claims including, but not limited to, FIG. 5, paragraphs [47] – [56], and original claims 1, 6, and 14.

Applicant respectfully submits that upon properly interpreting claims 1, 6, and 14 by applying the broadest reasonable meaning to their claim language, and identifying the differences between these interpreted claims and the scope and content of the prior art as evidenced by the collected teachings of Koritzinsky, Misra, Rabe, and Wood, that the claims are patentable within the meaning of 35 U.S.C. § 103.

On page 4 of the Office Action, the Examiner correctly concedes that "Koritzinsky-Wood-Misra do not explicitly teach highlighting objects affected by alarm/alert."

Applicant submits, in addition, that the combination of Koritzinsky-Wood-Misra also fails to disclose, teach, or suggest the subject matter of claims 1, 6, and 14 of defining or performing a verification test capable of detecting connectivity in terms of Layer 2 and Layer 3 objects of the network.

Applicant further submits that the combination of Koritzinsky-Wood-Misra also fails to disclose, teach, or suggest the subject matter of claims 1, 6, and 14 of raising an alarm when the comparison shows that at least one of the connectivity verification results has reached the specified connectivity verification threshold, as recited in independent claims 1, 6, and 14.

The Examiner takes the position that this deficiency of the Koritzinsky-Wood-Misra combination is remedied by adding the Examiner's characterization of a passage extracted from Rabe, which is that Rabe "discloses highlighting objects that have active alerts" on lines 4-30 of col. 6. Applicant respectfully submits, in response, that col. 6 of Rabe discloses no information regarding such alerts.

Applicant respectfully notes that another part of Rabe, namely lines 17-18 of col. 46, does disclose displaying “historical alert reports” in tabular form and “alert summary reports” in graphical form. However, this teaching in Rabe has nothing to do with, and suggests nothing regarding raising an alarm based upon a “specified connectivity verification threshold,” as recited in independent claims 1, 6, and 14. Thus, Rabe fails to remedy the lack of a teaching of alarms within Koritzinsky, Wood, Misra, and the allegedly Admitted Prior Art.

On page 6 of the Office Action, the Examiner correctly concedes that Koritzinsky “does not explicitly teach [sic] the results of each connectivity verification job may be compared against a connectivity profile.” The Examiner then takes the position that Misra “discloses obtaining performance metrics and comparing against configured thresholds.” Applicant respectfully submits that the Examiner’s position is inconsistent with the plain meaning of the claim language, and/or is not supported by the Misra disclosure.

Applicant submits the Examiner appears to interpret the claims as covering the abstract concept of comparing a parameter to a threshold to generate a result. This is not consistent with the claim language.

The as-examined claims 1, 6, and 14 instead defined, and the presently amended claims 1, 6, and 14 now more positively recite, performing connection verification tests pertaining to Layer 2 and Layer 3 objects, comparing the results to user-specified thresholds, generating alarms based on the comparing and, in response, identifying which Layer 2 and Layer 3 objects are affected by the connection verification results associated with the comparing.

Applicant respectfully submits that the rejection misconstrues Misra, as it cites Misra as suggesting subject matter that, upon reading Misra in its entirety, is not found in the disclosure.

Misra teaches a method and system for load balancing for packet-based wireless cellular networks. Misra teaches, more specifically, varying the "footprint" [col. 4, line 34] of a collection of access points (APs) to balance the load. Misra suggests nothing of performing connectivity verification for links or of comparing connectivity verification results to specified connectivity verification thresholds in a manner to ascertain which link may be affected.

Further, Applicant respectfully submits that the references cited by the Examiner do not disclose connectivity verification results that can be compared with thresholds.

For example, the Examiner concedes on page 4 that "Koritzinsky does no explicitly teach displaying connectivity verification results." However, the Examiner then alleges that Wood discloses collecting connectivity information and displaying the network topology information.

Applicant respectfully submits that the Examiner's position is not supported by the Wood disclosure. Applicant respectfully submits that Wood's teaching of network topology information cannot be regarded, by a person of ordinary skill in the relevant art, as a teaching of a connectivity verification result as recited by claims 1, 6, and 14. Further, Wood discloses nothing that could be reasonably understood by a person of ordinary skill in the relevant art as suggesting a comparison with a specified connectivity verification threshold as recited by claims 1, 6, and 14.

Moreover, Applicant respectfully submits that the Office Action lacks a clear articulation of the reasons why, in view of the cited prior art, the claimed invention would have been

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obvious, as set forth in M.P.E.P. § 2142. The Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. Moreover, the Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

Thus, Applicant respectfully submits that Koritzinsky, Wood, Misra, Rabe, and the allegedly Admitted Prior Art from Applicant's specification fail to disclose, teach, or suggest raising an alarm based upon a "specified connectivity verification threshold," as recited in independent claims 1, 6, and 14.

Applicant respectfully submits that claims 2-5 are allowable based at least upon their dependence from claim 1 for the reasons stated above in connection with claim 1. Applicant respectfully submits that claims 7 and 9-13 are allowable based at least upon their dependence from claim 6 for the reasons stated above in connection with claim 6. Applicant respectfully submits that claims 15-20 are allowable based at least on their dependence from claim 14 for the reasons stated above in connection with claim 14.

For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 1-7 and 8-20 under 35 U.S.C. § 103 be withdrawn.

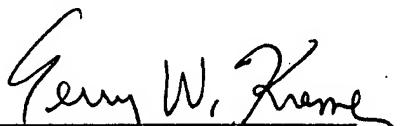
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Conclusion

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.


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